IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE Dr. JUSTICE G.YETHIRAJULU**

**WRIT PETITION No. 13915 of 1985**

Between:

The District Manager, APSRTC, Hanumakonda Depot.

**..... PETITIONER**

AND

1 K. Komaraiah,
H.No. 14-1-130, Kothur, Janda, Hanumakonda, Warangal District.
2 The Additional Industrial Tribunal -cum- Addl. Labour Court, A.P. Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially in the nature of a writ of certiorari, calling for the records relating to the award dated 23-1-1985 made in I.D.No. 293 of 1980 on the file of the Additional Industrial Tribunal -cum- Additional Labour Court, A.P., Hyderabad, and quash the said award as illegal and without jurisdiction and bad in law,

**Counsel for the Petitioner: MR.K.HARINATH, SC FOR APSRTC**

**Counsel for the Respondents: None appeared.**

**The Court made the following:**

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**ORDER:**

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The 1st respondent worked as a Conductor in the petitioner Corporation. On 25.03.1976 while the 1st respondent was conducting a bus, a check was exercised at stage No.5, and certain irregularities, in issuing tickets were noticed. A charge memo was issued to the 1st respondent, and after conducting an enquiry, he was removed from service by the writ petitioner.

2. The 1st respondent, being aggrieved by the orders of the writ petitioner dated 20.08.1976, preferred I.D.No.293 of 1980 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad (for short "Tribunal").

3. The Tribunal after considering the material available on record, held that the charges framed against the 1st respondent proved, and that the punishment of removal from service, imposed on the petitioner is excessive, therefore, the order of the removal from service, passed by the writ petitioner, was set aside, directing the petitioner to reinstate the 1st respondent with continuity of service with all attendants benefits, without back wages, through the order dated 23.01.1985.

4. The writ petitioner, being aggrieved by the order of the Tribunal, approached this Court through this writ petition, requesting to call for the records relating to the award and to quash the same by holding that it is illegal and without any jurisdiction.

5. The point for consideration is whether the Order of the Tribunal, dated 23.01.1985, is liable to be set aside, or, whether the punishment imposed on the 1st respondent is liable to be modified.

6. The following are the charges, leveled against the 1st respondent:

1. The 1st respondent failed to observe the TIC point at poultry farm at stage

No.6

2. The 1st respondent failed to collect fare and issue tickets to 17 individual passengers traveling from Hanter Road (Gate) Stage No.7 and alighting without tickets at Shampet, Stage No.5.

3. The 1st respondent failed to collect fare and issue tickets to 7 passengers traveling from Gote (M.Road) to Kazipet, Ex-Stages 7 to 1.

4. The 1st respondent failed to close the tray Numbers of all denominations against stage No.6

7. The Tribunal held that the order of the petitioner, regarding the charges, leveled against the 1st respondent proved, but there was modification of the punishment, imposed on the petitioner. The Tribunal, while modifying the punishment, observed that the allegation proved against the petitioner is that he failed to observe the TIC point at stage No.6, and he failed to issue tickets to 17 passengers traveling from stage No.7 and alighting without tickets at stage No.5. There were 78 passengers in the bus at the time of check. The bus was heavily loaded. He started the bus with a view to collect tickets during running of the bus. He has not collected any fare from any of the ticketless passengers. It shows that he has no *mala fide* intention to misappropriate the revenues of the Corporation. Under these circumstances, the denial of back wages will meet the ends of justice and punishment of removal from the service is excessive. In the circumstances of the case, the above order, passed by the Tribunal, sounds reasonable.

8. After going through the entire record, I do not find any grounds to interfere with the order of the Tribunal, dated 23.01.1985.

9. In the result, the Writ Petition is dismissed. No order as to costs.

**dsr**/svs.

ASSISTANT REGISTRAR

// TRUE COPY /

SECTION OFFICER

To:

1. The Presiding Officer,

The Additional Industrial Tribunal-cum-

Additional Labour Court, Hyderabad

2. Two CD copies